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Univ. of Oregon
Law School
1914-1915

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Vol. XII, No. 10

University of Oregon

EUGENE

THE LAW SCHOOL

CATALOGUE, 1914-1915

Announcements, 1915-1916

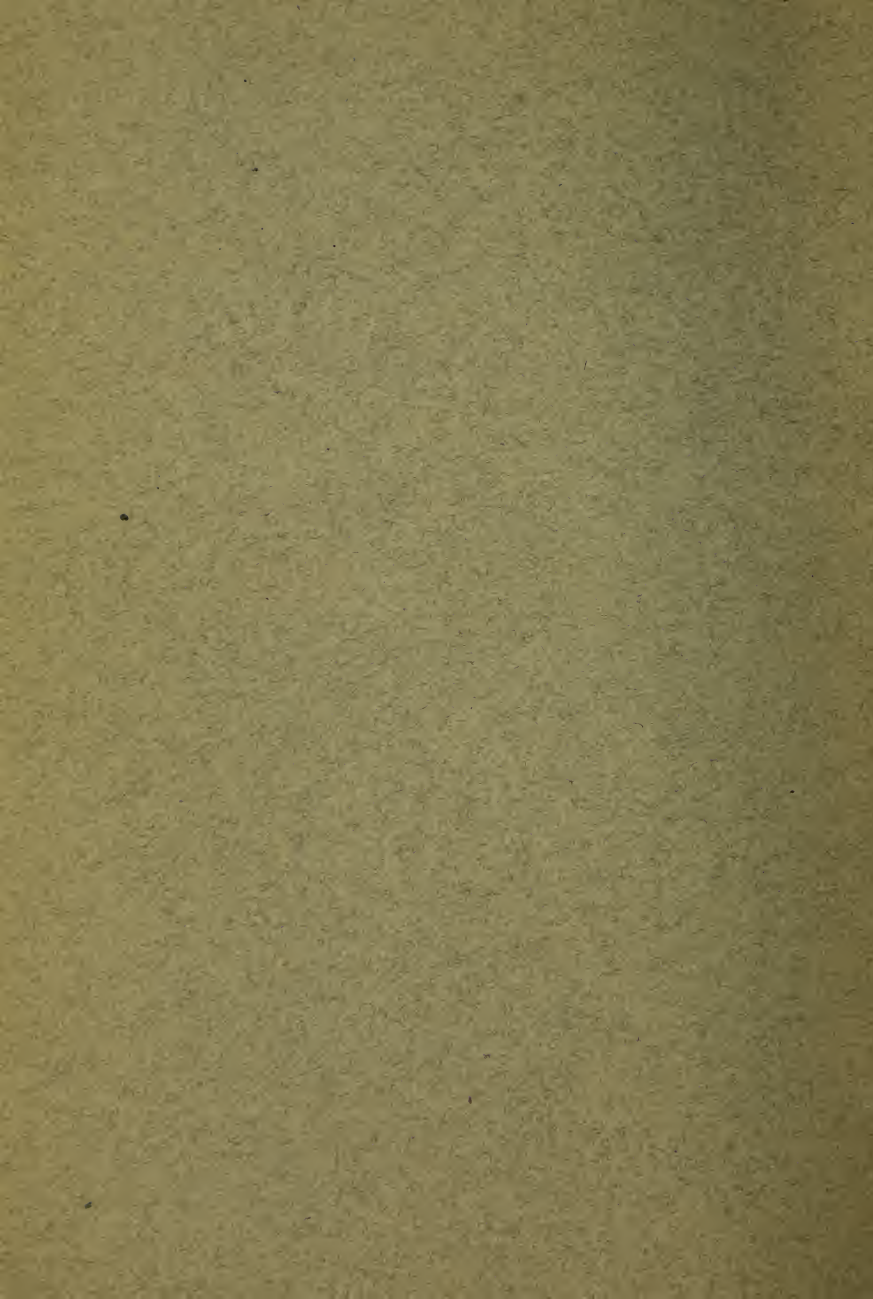


UNIVERSITY OF ILLINOIS

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UNIVERSITY OF OREGON

EUGENE

THE LAW SCHOOL

CATALOGUE, 1914-1915

Announcements, 1915-1916

SALEM, OREGON :
STATE PRINTING DEPARTMENT
1915

CALENDAR, 1915-1916

September 14, Tuesday.	} First semester opens. Payment of incidental fees and registration. Instructors keep office hours for consultation with the students.
September 15, Wednesday	
September 16, Thursday.	All University work begins.
September 24, Friday.	Reception to the new students by the Christian Associations.
November 24, 12 M. to November 28, Sunday.	} Thanksgiving recess.
December 6, Monday.	
December 7, Tuesday.	} Examinations for removal of conditions.
December 18, Saturday,	
to January 2, Sunday, inclusive.	} Christmas vacation.
January 3, Monday.	
January 31, Monday.	Recitations begin 8 A. M., after Christmas holidays.
February 4, Friday.	Mid-year examinations begin.
February 7, Monday.	First semester ends.
February 22, Tuesday.	Second semester begins.
April 8, Saturday.	Washington's birthday. A holiday.
April 16, Sunday.	} Spring vacation.
May 1, Monday.	
May 2, Tuesday.	} Examinations for removal of conditions.
May 12, Friday.	
May 13, Saturday.	} Junior week-end holidays.
May 30, Tuesday.	
June 5, Monday.	Memorial Day. A holiday.
June 11, Sunday.	Final examinations begin.
June 12, Monday.	Baccalaureate sermon, 11 A. M.
	Field day, 2 P. M. Recital School of Music, 8 P. M.
June 13, Tuesday.	State Alumnae Association meeting, Villard Hall, 9 A. M.; Alumni business meeting, Villard Hall, 10 A. M.; President's reception, 3 P. M.; Failing-Beekman contest, 8 P. M.
June 13, Tuesday.	Regular meeting of Board of Regents, President's office, Johnson Hall.
June 14, Wednesday.	Commencement exercises, 10 A. M.; Alumni banquet, 1 P. M.; Alumni ball, 9 P. M.

THE FACULTY

P. L. CAMPBELL, A. B., LL. D.
President

EDWARD WILLIAM HOPE, Ph. D.
Dean and Professor of Law

JAMES DUFF BARNETT, Ph. D.
Professor of Public Law

WALLE W. MERRITT, J. D.
Professor of Law

ROBERT P. REEDER, LL. M.
Professor of Law

Lecturer on Oregon Practice and Procedure

M. H. DOUGLASS, A. M.
Librarian of the University

HISTORICAL STATEMENT

The Law School of the University of Oregon was, until the month of April, 1915, a school situated in Portland, where the work was conducted by means of evening classes. Beginning with the fall term of 1913, however, first year courses in law were organized on the Campus of the University, at Eugene, and some twenty-four students were enrolled under Professor Edward W. Hope, who was, during this first year, the only law instructor. For the first semester, instruction was largely according to the "text-book" method, supplemented by a limited number of cases prepared and discussed by the instructor. Beginning with the second semester of this year a distinct change was made from this unsatisfactory method to the so-called "case-system," which has been almost universally adopted by the best law schools of the country, led by Harvard, and is now recognized by American as well as by foreign critics as being the best and most scientific way of studying the law. It has been fitly termed the "laboratory" method. The subjects taught this year were Contracts, Criminal Law, Persons and Domestic Relations, Agency, Sales of Personal Property, Bailments and Carriers, and Partnership. A course of popular lectures in Newspaper Jurisprudence was also given before the students of the Department of Journalism.

The fall of 1914 saw the continuance and development of the new method, which had shown excellent results in the previous year, both as respects substantial knowledge gained and the much greater interest awakened in the students. This year a second instructor was added, and courses were given in Contracts, Criminal Law, Torts, Introduction to Property, Common Law Pleading, Persons and Domestic Relations, Equity Jurisprudence, and Evidence. During both these years the regular courses in Public Law (Constitutional Law, International Law, and Law of Officers) were given as usual by Professor James D. Barnett, of the Department of Political Science, and these subjects will continue to be given by Dr. Barnett as an important part of the work of the Law School.

In April, of 1915, the Board of Regents of the University, at a special meeting called for that purpose, authorized the addition of a third year, and the employment of a faculty adequate for the complete three-year curriculum. The Law School, thus fully organized by them on the University campus at Eugene, became from then the regular and officially recognized Law School of the University of Oregon, ranking as a strictly graduate department, and empowered to confer the law degrees of LL. B., and J. D. upon its graduates.

PURPOSES OF THE LAW SCHOOL

The course of instruction extends through three full academic years. The Law School has practically supplanted the law office as a place of preparation for the practice of law. It is obvious that systematic instruction by experienced teachers will result not only in a more thorough, but a more speedy, preparation for the bar, than is possible through the more desultory reading in a busy law office. The object of the school is to afford a thorough practical and scientific education in the principles of the Common and Statute Law of the United States, the English and American System of Equity Jurisdiction, and the Public Law of the United States. Later it is intended to add to this courses in the Civil Law of Rome, and in Theoretical and Comparative Jurisprudence. It is believed that students should not only be fitted as completely as possible for the actual practice of law and the conduct of public affairs, but also, stimulated towards real scholarship and research. In order to accomplish these purposes, the mere accumulation of information is subordinated to the far more important end of developing the faculties of the student and of training him in habits of legal reasoning, at the same time imparting a thorough knowledge of the law as it actually is.

The method chiefly employed is that of free discussion by the professor and students of selected cases and other authorities, with the view of arriving at the principles of law by the process of inductive reasoning.

DIRECTIONS TO CANDIDATES FOR ADMISSION

Before applying for admission to the Law School, the candidate is required to present to the Dean of the Law School the Registrar's receipt for the payment of the semester fee. It is essential, therefore, that a candidate for admission should apply first to the Registrar, register his name as a student in the Law School, and then pay his fees to the Treasurer. He is then entitled to apply for admission, and, in case of rejection, the money paid will be refunded by the Treasurer.

REQUIREMENTS FOR ADMISSION

Applicants for admission to the first year class must be at least nineteen; to the second year class, twenty, and to the third year class, twenty-one years of age. Special students must be at least twenty-three years of age, and have other qualifications to be stated hereafter. Every applicant for admission, whether as a regular or as a special or a partial student, must present a certificate of character. This may be in the form of a certificate of graduation, or of honorable dismissal from the school with which the applicant was last connected, or, in the case of special students who cannot present these, in the form of a general letter as to character.

WHEN STUDENTS MUST ENTER

Students may enter at the beginning of either semester, but for students not entering upon advanced standing, a full three years of residence is required to complete the course. In any case students are expected to enroll at the opening of the session. Those who enter late necessarily lose much of the work, and absences at that time are treated like other absences in reducing the number of hours of credit that may be earned. In no event can students who present themselves more than a month after the opening of any session be permitted to work for credit toward graduation during that session.

Candidates for advanced standing must present themselves for examination one week before the opening of the Law School.

ADMISSION AS CANDIDATE FOR A DEGREE

Graduates of approved universities or colleges and students who, in addition to an academic or high school course of four years, have completed **two** full years of work in an approved university or college, are admitted to the Law School as candidates for the degree. The Law School does not **require** any particular subjects to be selected during the necessary two years of college work, but it **earnestly recommends** that the subjects specified in the Pre-legal Curriculum (hereinafter set forth) be pursued. Work of high school or academic grade taken during the college year will not be accepted as meeting the requirement of a college year. College courses in which there are unremoved conditions or other deficiencies will not be accepted.

In all cases the applicant should present to the Dean of the Law School, before the time of application, evidence that he comes within some one of the classes named. This, in the case of a university or college graduate, should be in the form of a certificate of graduation; in the case of other applicants, in the form of a certificate showing in detail the conditions of admission and the university or college work accomplished, and including an honorable dismissal signed by the proper authority.

In any case, all preparatory work must be completed before entering upon law study, and no collegiate work whatever may be taken thereafter except by special permission of the Dean of the Law School.

TWO YEAR COURSE

PRELIMINARY TO THE STUDY OF LAW

It is a noticeable tendency of the times to require a more thorough preparation for all the professions. In none is this tendency more marked than in the profession of law. Therefore, every student who expects to enter this department is urgently recommended to secure as thorough a collegiate course as his circumstances will permit. A two year course of studies termed the Pre-Legal Curriculum has been arranged

for those who cannot take the full collegiate course in preparation for their professional work in law. Its purpose is to concentrate and thus conserve the student's energies by directing his efforts into fields, which, while affording most valuable cultural results, will at the same time, it is thought, best prepare his mind to deal effectively with the law as student and practitioner. To this end the following course is suggested by the University under the direction of the Law School:

PRE-LEGAL CURRICULUM

FIRST YEAR

English Composition	6 hours
History (English and American).....	6 hours
Chemistry	6 hours
Mathematics	6 hours
Latin (beginners' course).....	8 hours
Elementary Law (required of all law students)	3 hours
Economics	4 hours
Physical Training	

SECOND YEAR

Latin	4 hours
Physics	6 hours
American Government	3 hours
Psychology	3 hours
French or German.....	8 hours
Economics	6 hours
History of Philosophy.....	6 hours
Logic	2 hours
Rhetoric	3 hours
Public Speaking	2 hours
Physical Training	

A selection from the above subjects should be made to the extent of at least 16 semester hours. Eighteen hours may be taken if the grades obtained warrant this privilege.

If, after completing this two year course, the student desires further preparation in liberal arts before beginning his professional studies, he may either continue through the regular courses of the Junior or Senior years of the College of Arts and Sciences, or after adding another year to the Two Year Pre-Legal Course now completed, he may enter the Combined Six Year Course in Arts and Law, with the aim of obtaining his collegiate and law degrees in six years, thus shortening by one year a period of study usually covering seven. For this third year's work the student should take additional courses in History, Natural Science, Philosophy, Political Science, Economics or Sociology, and English Literature.

COMBINED SIX YEAR COURSE IN ARTS AND LAW

This combined course is open only to students who have maintained a uniformly good record for scholarship during the first three years of Arts and Sciences.

The student is enrolled in the College of Arts and Sciences during the first three years. If at the end of three years he has a uniformly good record for scholarship, and has earned in addition to the credits gained in the Pre-Legal Curriculum enough more to bring his total number of credits up to 96, he may at the beginning of his fourth year enter the Law School forthwith for the first year's work in Law. From that time on he must devote his entire time and attention to the study of the Law, and in this first year of law study he must earn at least 24 semester hours to apply on his A. B. degree, thus making the one hundred and twenty credits required for the A. B. degree. This degree will be granted upon the satisfactory completion of the first year subjects in Law.

DEGREES

THE DEGREE OF BACHELOR OF LAWS

Students who have successfully completed the Two Year Pre-Legal Curriculum of this University, or an equivalent two years of general culture study in this or another institution of recognized collegiate rank, and who have successfully com-

pleted courses in Law aggregating 75 credits (the equivalent of three full years of professional study of Law), and who have otherwise satisfied the requirements of the University and of the Law School, will be granted the degree Bachelor of Laws (LL. B.).

THE DEGREE OF DOCTOR OF LAW

The degree of Doctor of Law (J. D.) will be granted to students who have received the degree of Bachelor of Arts, or its equivalent, from this University, or from some other institution of recognized collegiate rank, and who have satisfactorily completed courses in Law aggregating 75 credits (the equivalent of three full years of professional study of Law), and who have otherwise satisfied the requirements of the University and of the Law School. Since one year of Law study may be counted toward the degree Bachelor of Arts, the requirement for the degree of Doctor of Law may be satisfied by the successful completion of the Combined Six Year Course in Arts and Law.

The foregoing statements as to the requirements for degrees are subject to the following rules:

1. To be a successful applicant for the degree of Doctor of Law a student must have obtained over the full three years' Law course a minimum average of S.

2. Any student who fails to obtain a minimum average of M over the full three years of his Law course shall not be graduated.

3. No degree will be conferred upon any student who has not spent at least one year in resident study at this University.

REGULATIONS

To receive credit in any course in the Law School, a student must obtain a minimum grade averaging P based upon his daily recitations and whatever examinations are given in the course including the final examination. In estimating this average the examination will count two-thirds and the classroom work one-third. **The right to take the final examination**

is conditioned upon regular attendance and the maintenance of the required grade for class work. No student may register for more than fifteen hours of law per week.

Students from other institutions entering this University upon advanced standing may take advantage of the **Combined Six Year Course in Arts and Law**, provided they are registered in the Department of Arts and Sciences for at least one year before taking up Law courses, and earn in that department at least thirty hours before entering upon the law work.

ADMISSION OF SPECIAL STUDENTS

Persons who are more than twenty-three years of age, but whose preliminary training has not been sufficiently extensive to satisfy the requirements for admission as regular students, may, in exceptional cases, be admitted as special students. **The entry of special students is not encouraged.** Applicants for admission under this rule must submit to the Dean recommendations as to character and evidence of the possession of general education, maturity, experience, and exceptional ability that may be considered a fair equivalent of the formal preliminary requirements made in the case of regular students.

No one should present himself for admission as a special student until he has first received from the Dean assurance that his application has been favorably acted upon. Special students will be required to pursue and complete the courses to which they are admitted with the same thoroughness as regular students. Certificates will be given to special students who have been in residence for a semester, stating the subjects pursued and the standings attained.

STATUS OF STUDENTS

(REGULAR, SPECIAL AND PARTIAL)

A **regular** student is one who is regularly admitted to the Law School, and who is a candidate for a degree.

A **special** student is one who is regularly admitted to the Law School but who, not being a candidate for a degree, does not take the regular course.

A **partial student** is one who is not regularly admitted to the Law School, but who attends one or more courses. The admission of partial students is in the discretion of the Dean and Faculty of Law. Entrance requirements for partial students are the same as for regular students. **The entry of partial students is not encouraged.**

ADMISSION TO ADVANCED STANDING

Admission to advanced standing is either upon examination or certificate from a law school of standard grade. Persons who have the necessary qualifications for admission to the Law School, and who have satisfactorily completed work in an approved law school, may, upon presentation of a certificate of scholarship and of honorable dismissal from such school, become candidates for advanced standing in this Law School to the extent of the work so completed. The certificate should show the nature of the work, the time it was pursued, the text or case books used and the grades received. Under similar conditions attorneys at law in good and regular standing from any state in which an adequate examination for admission to the bar is required may apply for one year's advanced standing (upon examination) in the Law School.

All candidates for advanced standing should secure the above-mentioned certificates of preparatory work and of legal study and send them to the Dean of the Law School before presenting themselves for admission.

EXAMINATIONS

Written examinations are held at the end of each half-year on the subjects completed during that half-year.

All students, unless excused by the Dean, must present themselves for examination in all the subjects for which they are registered at the examination held therein, and, in case of excuse from any examination, must take the next examination offered in such subject. **A student permitted to take a deferred examination must pay a fee of five dollars as for a deficiency examination.**

No student will be admitted to the second-year class who is deficient in more than four hours of the work of the first year. No student will be admitted to the third-year class who is deficient in any subject of the first year, or in more than one full course, or in more than two half-year courses of the second year.

No student failing in any subject will be permitted to take a second examination therein without having again taken the course in which such failure occurred, nor will any student failing a second time in any subject be allowed to continue in the Law School except by special vote of the Law Faculty.

No special examinations are given.

TUITION AND FEES

The tuition for all students of whatever status (regular, special or partial) shall be fifteen dollars a semester. This is in addition to the annual registration fee of ten dollars and the annual student body fee of eight dollars. All fees are payable in advance. Students permitted to register late are required to pay the full charge for tuition for the half-year in which they register, and in addition the fines levied in such cases by the College of Arts and Sciences.

For any deficiency examination or deferred examination a fee of five dollars for each course in which such examination is granted shall be charged, payable in each case before the examination is held.

There shall be a graduation or diploma fee of ten dollars payable to the Treasurer of the University at least twenty-five days prior to the date of graduation.

COURSES OF INSTRUCTION

The Courses of Instruction are arranged to present, as far as possible, the fundamental topics of the law during the first year, and the more specialized subjects during the second and third years.

The curriculum extends through three years, and to secure a degree the student must complete seventy-five hours of work. No student may take more than fifteen hours in any

semester; and without special permission of the Dean and Law Faculty no student may take less than twelve hours. The work of the first year in the Law School is prescribed.

The following is a statement of the work offered in the Law School:

FIRST YEAR.

1. **Contracts.** Formation of simple contracts; mutual assent; consideration; formation of contracts under seal; delivery; consideration. Parties affected by contracts; contracts for the benefit of third persons; assignment of contracts; joint obligations. The Statute of Frauds; contracts within the Statute: guarantees, agreements in consideration of marriage, agreements not to be performed within a year, contracts for the sale of goods; satisfaction of the Statute. Performance of contracts: express conditions, conditions precedent and subsequent; implied conditions and effect of plaintiff's failure to perform his promise; impossibility. Illegal contracts: contracts in restraint of trade; wagers and gaming contracts; contracts obstructing the administration of justice; contracts tending to corruption. Discharge of contracts: parol agreement to discharge; novation; release; accord and satisfaction; arbitration and award; surrender and cancellation; alteration; merger. Williston, Cases on Contracts (2 vols.). Professor Hope. *Three hours, both semesters.*

2. **Criminal Law and Procedure.** Nature of crime; sources of criminal law; mental element in crime; intent and motive; parties in crime; crime as an act; attempts; specific crimes; crimes against the person; crimes against the dwelling house; felonious intent; jurisdiction. Beale, Cases on Criminal Law (2d ed.). Professor Merritt. *Two hours, both semesters.*

3. **Torts.** Trespass to person, to real property, and to personal property; excuse for trespass; conversion; legal cause; negligence; contributory and imputed negligence; plaintiff's illegal conduct as a defense; duties of land owners; hazardous occupations; liability for animals; deceit; defamation, slander, libel, privilege, malice; malicious prosecution, criminal and civil; interference with social and business relations, including

breaches of duty, fair and unfair competition, strikes, boycotts, business combinations. Ames and Smith, Cases on Torts (ed. 1909-1910). Professor Reeder.

Three and two hours, both semesters.

4. Property 1. Distinction between real and personal property; acquisition of rights in personal property; gifts; bailments; liens; pledges. Real property; tenures; estates, seisin and conveyance; incidents of ownership in real property; fixtures; easements; covenants as to use; public rights; franchises; rents. Gray, Cases on Property, vols. 1, 2 (2d ed.). Professor Merritt.

Two and three hours, both semesters.

5. Common Law Pleading. This course consists of a general survey of the principles of common law pleading with special emphasis upon the demurrer, confession and avoidance, and the traverse, followed by a special study of the more common forms of actions, including the necessary obligations therein, and the methods of pleading defenses. Whittier, Cases on Common Law Pleading. Professor Merritt.

Three hours, first semester.

6. Agency. Nature of relation; appointment; liability of principal for agent's torts, contracts, crimes; liabilities of agent; parties to writings; undisclosed principal doctrines; delegation of agency, termination; ratification. Huffcut, Cases on the Law of Agency (2d ed.). Professor Reeder.

Two hours, both semesters.

SECOND YEAR.

7. Equity 1—Contracts and Torts. The origin, development, maxims, principles and doctrines of equity; relation between equitable rights and powers and legal rights and powers; jurisdiction, procedure and remedies of courts of equity; the equitable relations and remedies involved in obligations *ex contractu* and obligations *ex delicto* considered with respect to their interplay with the corresponding legal relations and remedies; specific performance of contracts, with emphasis on the special trust relations arising under executory contracts between vendors and purchasers of realty; specific prevention

and reparation of torts; prohibitory and mandatory injunctions for such torts as waste, trespass, nuisance, infringement of patents and copyrights, interferences with business relations, violations, violation of rights of privacy. Ames, Cases in Equity Jurisdiction, vol. 1. (Not given 1915-1916.) Professor

_____. *Four hours, first semester.*

8. Equity 2—Trusts. Nature and requisites of a trust; express, resulting, and constructive trusts; charitable trusts; appointment and office of trustee; nature of cestui's interest; transfer of trust property by trustee or by cestui; cestui's interest as affected by death, marriage, or bankruptcy of trustee or cestui; duties of trustee; extinguishment of trust; removal or resignation of trustee; accounting. Ames, Cases on Trusts, (2d ed.). Professor Reeder. *Four hours, second semester.*

9. Evidence. Respective functions of judge and jury; "law and fact"; presumptions; burden of proof; judicial notice; classification of evidence; relevancy as primary test of admissibility; principles and rules relating to the following: misleading or unimportant matters, character, admissions, confession, hearsay, witnesses' opinion and expert testimony, real evidence, evidence relating to execution, contents and interpretation of writing; various rules of substantive law stated in terms of "parol evidence rule"; competency of witnesses; privilege of witnesses; examination of witnesses. Wigmore, Select Cases on Evidence (2d ed.). (Not given 1915-1916.) Professor Hope. *Three and two hours, both semesters.*

10. Sales of Personal Property. Subject matter of sale; executory and executed sales; bills of lading and *jus disponendi*; seller's lien and right of stoppage in transitu; fraud; factors' acts; warranty and remedies for breach of warranty; statute of frauds. Woodward, Cases on Sales. Professor Merritt. *Two hours, both semesters.*

11. Bailments and Carriers. Bailments in general including for hire, for services to be performed, and for hired use. Special classes of bailments involving ordinary liability; pledges, warehousemen. Special classes of bailments involving exceptional liability; innkeepers; common carriers of goods; com-

mon carriers of passengers. McClain, Cases on Bailments and Carriers. (Not given 1915-1916.) Professor Reeder.

Three hours, second semester.

12. Persons and Domestic Relations. Marriage: consent and capacity; marriage as a contract or relation; rights and duties; rights in property; contracts, conveyances, quasi-contractual obligations; wife's estates; ante-nuptial and post-nuptial settlements; separation and divorce. Parent and child: legitimacy, adoption, custody, support, earnings of child; liability for child's torts. Guardian and ward: selection and appointment of guardians; jurisdiction to appoint; rights, duties and liabilities of guardian; maintenance of ward; domicile; care of property and investments; guardians' bonds. Infants: period of infancy; privileges and disabilities; contracts; liabilities for necessities; ratification and disaffirmance of contracts. Persons non compos mentis, and aliens. Master and servant: creation and termination of the relation; remedies for breach of contract; rights and duties inter se; master's liability for injuries to servant; negligence and assumption of risk. Kales, Cases on Persons, and Vernier, Cases on Marriage and Divorce. (Not given 1915-1916.) Professor ———.

Two hours, first semester.

13. Bills and Notes. This course deals with negotiable paper of all types. The law of checks, bills of exchange and notes is taken up, with a detailed discussion of: formal requisites; acceptance; indorsement; transfer; extinguishment; obligation of parties; diligence; specialty character; the effect of the negotiable instruments law. Ames, Cases on Bills and Notes. Professor Reeder.

Three hours, first semester.

14. Property 2. This course continues the subject as concluded by Property 1 by which it must be preceded, and includes during the first semester a detailed study of title to land, especially in relation to possession and the subject of landlord and tenant. The following topics are considered: Nature and importance of legal possession; remedies to recover legal possession wrongfully withheld; effect of statutes of limitations; tacking of successive periods of adverse possession; "constructive" adverse possession under

color of title; intent as element of title to legal possession; possession through occupation of a servant or agent; possession through occupation of a tenant; relationship of landlord and tenant compared with rights and liberties of persons in various other relations; possession through a co-tenant's occupation; exceptions and interruptions to running of statutes of limitations. Creation of relationship of landlord and tenant; duration of tenant's interest; eviction and its effects; remedies of landlord for non-performance of tenant's obligations; remedies of tenant against landlord; covenants running with the land between landlord and tenant; rights, liberties, and duties of landlord with respect to third persons; rights, liberties, and duties of tenant with respect to third persons. During the second semester the course covers the acquisition of property on the death of the former owner, including consideration of gifts *causa mortis*, wills, probate, and administration. Gray, Cases on Property, vols. 3, 4 (2d ed.). Professor Hope.

Three hours, both semesters.

15. **Damages.** Respective functions of court and jury in estimating damages; exemplary, liquidated, nominal, direct, and consequential damages; avoidable consequences; counsel fees; certainty, compensation, damages for non-pecuniary injuries; value; interest; and damages in certain actions of tort and contract. Beale, Cases on Damages. Professor Merritt.

Two hours, second semester.

16. **Insurance.** A general survey of insurance law, life, accident, fire, and marine insurance, with respect to: insurable interest; concealment; misrepresentation; warranties; other causes of invalidity of contract; amount of recovery; subrogation; conditions; waiver, estoppel, election, and powers of agents; assignees and beneficiaries. Under marine and fire insurance will be included a thorough consideration of the doctrine of general average, and the standard fire policy generally adopted in the United States. Wambaugh, Cases on Insurance. (Given in alternate years only; omitted 1915-1916.) Professor ———.

Two hours, first semester.

17. **Bankruptcy and Insolvency.** This course aims to give a complete exposition of the rights of creditors against insol-

vent debtors, and the means that may be resorted to in order to make those rights effective, and includes a consideration of insolvent assignments and conveyances in fraud of creditors as well as the study of the National Bankrupt Act of 1898 and its predecessors. Williston, Cases on Bankruptcy. (Given only in alternate years; omitted in 1915-1916.) Professor

Two hours, first semester.

18. **Code Pleading.** Actions and special proceedings; the complaint, including necessary allegations, method of statement, and prayer for relief; answers, including general and special denials, new matter, equitable defenses, counter-claims, and union of defenses; replies; demurrer. Course 5 is a prerequisite. Sunderland, Cases on Code Pleading. Professor Hope.

Four hours, first semester.

THIRD YEAR.

19. **Conflict of Laws.** Within the limits of the subject, a comparison is made of theories and practice in different jurisdictions, both in civil matters and in criminal; and attention is given to the special aspects of interstate law in the United States. Lorenzen, Cases on the Conflict of Laws. Professor Hope.

Four hours, second semester.

20. **Constitutional Law.** Nature of the Federal constitution and its amendments, relation of the states to the Federal government, taxation, regulation of commerce, naturalization, bankruptcy, currency, etc., the powers of the executive, the judiciary and the jurisdiction of the Federal courts, civil rights and their guarantees, political privileges, and protection of contracts and property. Boyd Cases on Constitutional Law, and selected cases. Professor Barnett.

Three hours, second semester.

21. **International Law.** This course treats of the general principles of international law, as it has been developed by positive agreement, in the form of treaties and conventions, and by common usage, as shown in legislation, in the decisions of international tribunals and of municipal courts, and in the conduct of nations. Scott, Cases on International Law. Professor Barnett.

Three hours, first semester.

22. Administrative Law—Public Officers. A consideration of the subject of judicial control over administrative action in the United States. Among the topics treated are the distinction between executive, judicial and legislative functions, conclusiveness of administrative determinations, administrative execution, and proceedings for relief against the actions of administrative officers, including actions for damages and actions for specific relief such as the writs of mandamus, quo warranto, certiorari, habeas corpus, and prohibition. Goodnow, Cases on the Law of Officers. Professor Barnett.

Three hours, second semester.

NOTE—The three courses numbered above as 20, 21, 22 belong to the Department of Political Science also, and are to be found in the announcements of that department, where they are numbered 4, 5 and 6 respectively. The work of the second and third years in the Law School is elective to some extent, but the courses in International Law, Administrative Law, Municipal Corporations, Private Corporations and Oregon Practice may not be taken, ordinarily, before the third year. Constitutional Law is open to second-year law students.

23. Corporations, Municipal. General nature; creation; alteration, dissolution; legislative control; internal organization; powers: general, legislative, police, taxation, contracts, property; liability: contracts, quasi-contracts, torts in general, negligence in performance of various functions; enforcement of judgments against. Beale, Cases on Municipal Corporations. (Omitted in 1915-1916.) Professor ———.

Two hours, second semester.

24. Corporations, Private. A general survey of the nature, powers, and obligations of private corporations, with a consideration of the rights and duties of promoters, officers, directors, and stockholders, and of the rights of creditors and others against the corporation. The manner of creating and dissolving corporations, the nature of corporate stock, the effect of ultra vires acts, the power of corporations to purchase shares of stock or to consolidate with other corporations, and the power of Congress and of the Legislature to regulate and control the acts of corporations are among the topics treated. Canfield and Wormser, Cases on Corporations. Professor Reeder.

Two hours, both semesters.

25. Partnership. Nature of a partnership, its purpose, and members; creation of partnership; nature of partner's interest; firm name and good-will; mutual rights and duties of partners; actions between partners, at law and in equity; powers of partners; liability for acts of partners in contract and tort; general liability of partners; dissolution and notice; consequence of dissolution; dissolution agreements respecting debts; distribution of assets to creditors and between partners; limited partnership. Ames, Cases on Partnership. (Not given 1915-1916.) Professor ———. *Three hours, second semester.*

26. Property 3. This course must be preceded by Property 1 and Equity 1. During the first semester conditional and future interests are dealt with, including reversions and remainders, executory devises, powers and the rule against perpetuities. During the second semester illegal conditions and restraints on alienation, etc., are taken up. Gray, Cases on Property, vols. 5, 6 (2d ed.) (Not given in 1915-1916.) Professor Hope. *Two hours, both semesters.*

27. Equity 3—Interpleader, Bills of Peace, etc. Special equitable remedies, including: interpleader; bills of peace and *quia timet*; cancellation of contract; clouds on title; perpetuation of testimony; rights of future enjoyment; reformation and rescission of contract for mistake. Ames, Cases in Equity Jurisdiction, vol. 2. (Not given in 1915-16.) Professor ———. *Two hours, first semester.*

28. Quasi-Contracts. Under the head of quasi or constructive contracts is embraced all that very large class of obligations which, while not contractual in fact, are enforced as if they were so. They constitute largely that great mass of obligations for the enforcement of which the action of assumpsit was devised. The course includes such topics as the payment of money by mistake, duress, or fraud, and the waiver of tort. Woodruff, Cases on Quasi-Contracts. (Not given in 1915-1916.) Professor Hope. *Two hours, first semester.*

29. Suretyship. Nature of the contract of suretyship; surety's defenses against the creditor, based upon absence, extinguishment, or suspension of the liability of the principal

debtor, or upon principal debtor's right of set-off or counterclaim against the creditor; surrender or loss of securities by creditor; variation of surety's risk; surety's rights; subrogation to the rights of the creditor; indemnity; contribution; exoneration; creditor's rights to surety's securities. Ames, Cases on Suretyship. (Not given in 1915-1916.) Professor ———.

Two hours, first semester.

30. Mortgages. All forms of mortgage security, both real and chattel; essential elements of legal and equitable mortgages; legal and equitable rights, powers and remedies of mortgagor and mortgagee with respect to title, possession, rents and profits, waste, collateral agreements, foreclosure, redemption; priorities; marshaling; extension of mortgages; assignment of mortgages; discharge of mortgages. Kirchwey, Cases on Mortgage. (Not given in 1915-1916.) Professor Hope.

Two hours, first semester.

31. Oregon Practice. Organization and jurisdiction of courts; court records and files; proceedings prior to judgment, including: service and return of summons and motions relating thereto, appearances, provisional remedies, such as attachment, arrest, etc., *lis pendens*, the trial, exceptions and findings, verdict; the judgment, its entry and satisfaction; proceedings subsequent to judgment, including: stay of execution, costs, execution, motion for new trial, appellate proceedings; probate and administration proceedings; special proceedings, including writs of *certiorari*, *mandamus*, and prohibition; introduction to jurisdiction and procedure of Federal courts. Prerequisite: course 18. (Open to third year students.) Lord's Oregon Laws; also selected Oregon cases. (Course to be arranged for later.) Mr. ———. *Two hours, both semesters.*

32. Moot Court. Argument of cases on submitted statements of facts; briefs; preparation of opinions.

One hour, each semester.

For the next two academic years of 1915-16 and 1916-17 the graduates of the night Law School in Portland who were registered before the night school was abolished, will continue to be granted degrees in law by the University.

CATALOGUE OF STUDENTS

THE LAW SCHOOL

1913-1914

NAME	HOME ADDRESS
Allen, Ralph S.	Eugene
Baker, Carl C.	Portland
Benson, Wallace	Gardiner
Blackaby, Earl	Ontario
Bradshaw, Robert C.	The Dalles
Brotherton, Clarence	Waitsburg, Washington
Donaca, Thomas	Lebanon
Donald, James	Baker
Dorris, Ben F.	Eugene
Fenton, Francis Boyce	McMinnville
Goodwin, Marsh H.	Eugene
Hammond, Stephanie	Eugene
Heider, Otto	Sheridan
Hill, Maurice	Athens
King, Dalzel	Myrtle Point
Lombard, H. W.	Eugene
Loucks, Elton C.	Portland
McGilchrist, Millar E.	Salem
Miller, Waldo	Portland
Motschenbacher, Vernon	Klamath Falls
Painter, William C.	Belton, Missouri
Shelton, Charles J.	Union
Terpening, Maurice	Eugene
Wray, Frank V.	Silverton

1914-1915

Allen, Ralph S.	Eugene
Avison, J. Bothwell	Oregon City
Baker, Carl C.	Portland
Barnhart, H. E.	Falls City
Blackaby, Earl	Ontario
Brown, J. Prentiss	Lebanon
Collier, Charles H.	Eugene
Donaca, Thomas	Lebanon
Donald, James	Baker
Dorr, Edwin L.	Eugene
Dunbar, Fred B.	Klamath Falls
Fenton, Francis Boyce	McMinnville
Goodwin, Marsh H.	Eugene
Hamilton, Helen	Roseburg
Hill, Maurice	Athens
Jayne, Roger	Portland
Jerard, Bertrand S.	Pendleton
King, Dalzel	Myrtle Point
Lombard, H. W.	Eugene
Loucks, Elton C.	Portland
McGilchrist, Millar E.	Salem
Orput, Don T.	Eugene
Park, A. T.	Eugene
Wray, Frank V.	Silverton





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1916/17

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Vol. XII, No. 12

OF THE
UNIVERSITY OF ILLINOIS

University of Oregon

EUGENE

THE LAW SCHOOL

CATALOGUE, 1915-1916

Announcements, 1916-1917



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EUGENE

THE LAW SCHOOL

CATALOGUE, 1915-1916
Announcements, 1916-1917

SALEM, OREGON :
STATE PRINTING DEPARTMENT
1916

CALENDAR

September 11—Admission examinations.

September 12 to February 2—First semester.

February 5 to June 13—Second semester.

December 16, Saturday, to January 2, Tuesday—Christmas vacation.

January 29, Monday—Mid-year examinations begin.

April 7, Saturday, to April 15, Sunday—Spring vacation.

May 31, Thursday, to June 4, Monday—Commencement week.

June 5, Tuesday—Final examinations begin.

THE FACULTY

P. L. CAMPBELL, A. B., LL. D.
President

EDWARD WILLIAM HOPE, Ph. D.
Dean and Professor of Law

JAMES DUFF BARNETT, Ph. D.
Professor of Public Law

WALLE MERRITT, J. D.
Professor of Law

ROBERT PATTERSON REEDER, LL. M.
Professor of Law

Lecturer on Oregon Practice and Procedure

M. H. DOUGLASS, A. M.
Librarian of the University

HISTORICAL STATEMENT

The Law School of the University of Oregon was, until the month of April, 1915, a school situated in Portland, where the work was conducted by means of evening classes. Beginning with the fall term of 1913, however, first year courses in law were organized on the campus of the University, at Eugene, and some twenty-four students were enrolled under Professor Edward W. Hope, who was, during this first year, the only law instructor. For the first semester, instruction was largely according to the "text-book" method, supplemented by a limited number of cases prepared and discussed by the instructor. Beginning with the second semester of this year a distinct change was made from this unsatisfactory method to the so-called "case-system," which has been almost universally adopted by the best law schools of the country, led by Harvard, and is now recognized by American as well as by foreign critics as being the best and most scientific way of studying the law. It has been fitly termed the "laboratory" method. The subjects taught this year were Contracts, Criminal Law, Persons and Domestic Relations, Agency, Sales of Personal Property, Bailments and Carriers, and Partnership. A course of popular lectures in Newspaper Jurisprudence was also given before the students of the Department of Journalism.

The fall of 1914 saw the continuance and development of the new method, which had shown excellent results in the previous year, both as respects substantial knowledge gained and the much greater interest awakened in the students. This year a second instructor was added, and courses were given in Contracts, Criminal Law, Torts, Introduction to Property, Common Law Pleading, Persons and Domestic Relations, Equity Jurisprudence, and Evidence. During both these years the regular courses in Public Law (Constitutional Law, International Law, and Law of Officers) were given as usual by Professor James D. Barnett, of the Department of Political Science, and these subjects will continue to be given by Dr. Barnett as an important part of the work of the Law School.

In April, of 1915, the Board of Regents of the University, at a special meeting called for that purpose, authorized the addition of a third year, and the employment of a faculty adequate for the complete three-year curriculum. The Law School, thus fully organized by them on the University campus at Eugene, became from then the regular and officially recognized Law School of the University of Oregon, ranking as a strictly graduate department, and empowered to confer the law degrees of LL. B., and J. D. upon its graduates.

THE QUARTERS OF THE LAW SCHOOL

Beginning with next September, the Law School will be commodiously housed on one floor of the new building now being erected as the first of the group of buildings designed to form the nucleus of the greater University that is to be. In this building will be found three lecture rooms, the stack-room of the Law Library, the study hall of the students, and the offices of the law faculty.

PURPOSES OF THE LAW SCHOOL

The course of instruction extends through three full academic years. The Law School has practically supplanted the law office as a place of preparation for the practice of law. It is obvious that systematic instruction by experienced teachers will result not only in a more thorough, but a more speedy, preparation for the bar, than is possible through the more desultory reading in a busy law office. The object of the school is to afford a thorough practical and scientific education in the principles of the Common and Statute Law of the United States, the English and American System of Equity Jurisdiction, and the Public Law of the United States. Later it is intended to add to this courses in the Civil Law of Rome, and in Theoretical and Comparative Jurisprudence. It is believed that students should not only be fitted as completely as possible for the actual practice of law and the conduct of public affairs, but also, stimulated toward real scholarship

and research. In order to accomplish these purposes, the mere accumulation of information is subordinated to the far more important end of developing the faculties of the student and of training him in habits of legal reasoning, at the same time imparting a thorough knowledge of the law as it actually is.

The method chiefly employed is that of free discussion by the professor and students of selected cases and other authorities, with the view of arriving at the principles of law by the process of inductive reasoning.

THE LIBRARY

The Law Library will be arranged so as to offer immediate and uninterrupted access to students and faculty. In addition to about one thousand well-selected text-books, reports, encyclopedias, digests and pamphlets which the library now contains, it is planned to have at least the following valuable sets ready for use by next September: The National Reporter System; the standard collections of cases, such as Lawyers' Reports Annotated (old and new series), American Decisions, American Reports, American State Reports, English Ruling Cases, British Ruling Cases, the reports of the federal courts; the Century, Decennial and Key Number Digests; the Cyclopedia of Law and Procedure; Ruling Case Law. The library already contains some of the more important law periodicals, such as the American, Harvard, Columbia, Illinois, and California Law Reviews. Others will be added later.

DIRECTIONS TO CANDIDATES FOR ADMISSION

Before applying for admission to the Law School, the candidate is required to present to the Dean of the Law School the Registrar's receipt for the payment of the semester fee. It is essential, therefore, that a candidate for admission should apply first to the Registrar, register his name as a student in the Law School, and then pay his fees to the Treasurer. He is then entitled to apply for admission, and, in case of rejection, the money paid will be refunded by the Treasurer.

REQUIREMENTS FOR ADMISSION

Applicants for admission to the first year class must be at least nineteen; to the second year class, twenty, and to the third year class, twenty-one years of age. Special students must be at least twenty-three years of age, and have other qualifications to be stated hereafter. Every applicant for admission, whether as a regular or as a special or a partial student, must present a certificate of character. This may be in the form of a certificate of graduation, or of honorable dismissal from the school with which the applicant was last connected, or, in the case of special students who cannot present these, in the form of a general letter as to character.

WHEN STUDENTS MUST ENTER

Students may enter at the beginning of either semester, but for students not entering upon advanced standing, a full three years of residence is required to complete the course. In any case students are expected to enroll at the opening of the session. Those who enter late necessarily lose much of the work, and absences at that time are treated like other absences in reducing the number of hours of credit that may be earned. In no event can students who present themselves more than a month after the opening of any session be permitted to work for credit toward graduation during that session.

Candidates for advanced standing must present themselves for examination one week before the opening of the Law School.

ADMISSION AS CANDIDATE FOR A DEGREE

Graduates of approved universities or colleges and students who, in addition to an academic or high school course of four years, have completed **two** full years (sixty semester hours) of work in an approved university or college, are admitted to the Law School as candidates for the degree. The Law School does not **require** any particular subjects to be selected during the necessary two years of college work, but it **earnestly recom-**

mends that the subjects specified in the Pre-Legal Curriculum (hereinafter set forth) be pursued. Work of high school or academic grade taken during the college year will not be accepted as meeting the requirements of a college year. College courses in which there are unremoved conditions or other deficiencies will not be accepted.

In all cases the applicant should present to the Dean of the Law School, before the time of application, evidence that he comes within some one of the classes named. This, in the case of a university or college graduate, should be in the form of a certificate of graduation; in the case of other applicants, in the form of a certificate showing in detail the conditions of admission and the university or college work accomplished, and including an honorable dismissal signed by the proper authority.

In any case, all preparatory work must be completed before entering upon law study, and no collegiate work whatever may be taken thereafter except by special permission of the Dean of the Law School.

TWO-YEAR COURSE

(Preliminary to the study of Law)

It is a noticeable tendency of the times to require a more thorough preparation for all the professions. In none is this tendency more marked than in the profession of law. Therefore, every student who expects to enter this department is urgently recommended to secure as thorough a collegiate course as his circumstances will permit. A two-year course of studies, termed the Pre-Legal Curriculum, has been arranged for those who cannot take the full collegiate course in preparation for their professional work in law. Its purpose is to concentrate and thus conserve the student's energies by directing his efforts into fields, which, while affording most valuable cultural results, will at the same time, it is thought, best prepare his mind to deal effectively with the law as student and practitioner. To this end the following course is suggested by the University under the direction of the Law School:

PRE-LEGAL CURRICULUM

First Year—

English Composition	6 hours
History (English and American)	6 hours
Chemistry	6 hours
Mathematics	6 hours
Latin (beginners' course)	8 hours
Elementary Law (required of all law students)	6 hours
Economics	4 hours
Physical Training	

Second Year—

Latin	4 hours
Physics	6 hours
American Government	3 hours
Psychology	3 hours
French or German	8 hours
Economics	6 hours
History of Philosophy	6 hours
Logic	2 hours
Rhetoric	3 hours
Public Speaking	2 hours
Physical Training	

A selection from the above subjects should be made to the extent of at least sixteen semester hours. Eighteen hours may be taken if the grades obtained warrant this privilege.

If, after completing this two-year course, the student desires further preparation in liberal arts before beginning his professional studies, he may either continue through the regular courses of the junior or senior years of the College of Arts and Sciences, or after adding another year to the Two-Year Pre-Legal Course now completed, he may enter the combined Six-Year Course in Arts and Law, with the aim of obtaining his collegiate and law degrees in six years, thus shortening by one year a period of study usually covering seven. For this third year's work the student should take additional courses in History, Natural Science, Philosophy, Political Science, Economics or Sociology, and English Literature.

COMBINED SIX-YEAR COURSE IN ARTS AND LAW

This combined course is open only to students who have maintained a uniformly good record for scholarship during the first three years of Arts and Sciences.

The student is enrolled in the College of Arts and Sciences during the first three years. If at the end of three years he has a uniformly good record for scholarship, and has earned in addition to the credits gained in the Pre-Legal Curriculum enough more to bring his total number of credits up to ninety-six, he may at the beginning of his fourth year enter the Law School forthwith for the first year's work in Law. From that time on he must devote his entire time and attention to the study of the law, and in this first year of law study he must earn at least twenty-four semester hours to apply on his A. B. degree, thus making the one hundred and twenty credits required for the A. B. degree. This degree will be granted upon the satisfactory completion of the first year subjects in Law.

DEGREES

The Degree of Bachelor of Laws—

Students who have successfully completed the Two-Year Pre-Legal Curriculum of this University, or an equivalent two years of general culture study in this or another institution of recognized collegiate rank, and who have successfully completed courses in law aggregating seventy-five credits (the equivalent of three full years of professional study of law), and who have otherwise satisfied the requirements of the University and of the Law School, will be granted the degree Bachelor of Laws (LL. B.).

The Degree of Doctor of Law—

The degree of Doctor of Law (J. D.) will be granted to students who have received the degree of Bachelor of Arts, or its equivalent, from this University, or from some other institution of recognized collegiate rank, and who have satisfactorily completed courses in law aggregating seventy-five

credits (the equivalent of three full years of professional study of law), and who have otherwise satisfied the requirements of the University and of the Law School. Since one year of law study may be counted toward the degree Bachelor of Arts, the requirement for the degree of Doctor of Law may be satisfied by the successful completion of the Combined Six-Year Course in Arts and Law.

The foregoing statements as to the requirements for degrees are subject to the following rules:

1. To be a successful applicant for the degree of Doctor of Law a student must have obtained over the full three-years' law course a minimum average of S.

2. Any student who fails to obtain a minimum average of M over the full three years of his law course shall not be graduated.

3. No degree will be conferred upon any student who has not spent at least one year in resident study at this University.

REGULATIONS

To receive credit in any course in the Law School, a student must obtain a minimum grade averaging P, based upon his daily recitations and whatever examinations are given in the course, including the final examination. In estimating this average the examination will count two-thirds and the classroom work one-third. **The right to take the final examination is conditioned upon regular attendance and the maintenance of the required grade for class work.** No student may register for more than fifteen hours of law per week.

Students from other institutions entering this University upon advanced standing may take advantage of the **Combined Six-Year Course in Arts and Law**, provided they are registered in the Department of Arts and Sciences for at least one year before taking up law courses, and earn in that department at least thirty hours before entering upon the law work.

ADMISSION OF SPECIAL STUDENTS

Persons who are more than twenty-three years of age, but whose preliminary training has not been sufficiently extensive to satisfy the requirements for admission as regular students, may, in exceptional cases, be admitted as special students. Applicants for admission under this rule must submit to the Dean recommendations as to character and evidence of the possession of general education, maturity, experience, and exceptional ability that may be considered a fair equivalent of the formal preliminary requirements made in the case of regular students.

No one should present himself for admission as a special student until he has first received from the Dean assurance that his application has been favorably acted upon. Special students will be required to pursue and complete the courses to which they are admitted with the same thoroughness as regular students. Certificates will be given to special students who have been in residence for a semester, stating the subjects pursued and the standings attained.

STATUS OF STUDENTS

(Regular, Special and Partial)

A **regular** student is one who is regularly admitted to the Law School, and who is a candidate for a degree.

A **special** student is one who is regularly admitted to the Law School but who, not being a candidate for a degree, does not take the regular course.

A **partial** student is one who is not regularly admitted to the Law School, but who attends one or more courses. The admission of partial students is in the discretion of the Dean. Entrance requirements for partial students are the same as for regular students.

ADMISSION TO ADVANCED STANDING

Admission to advanced standing is either upon examination or certificate from a law school of standard grade. Persons who have the necessary qualifications for admission to

the Law School, and who have satisfactorily completed work in an approved law school, may, upon presentation of a certificate of scholarship and of honorable dismissal from such school, become candidates for advanced standing in this Law School to the extent of the work so completed. The certificate should show the nature of the work, the time it was pursued, the text or case books used and the grades received. Under similar conditions attorneys at law in good and regular standing from any state in which an adequate examination for admission to the bar is required may apply for one year's advanced standing (upon examination) in the Law School.

All candidates for advanced standing should secure the above-mentioned certificates of preparatory work and of legal study and send them to the Dean of the Law School before presenting themselves for admission.

EXAMINATIONS

Written examinations are held at the end of each half-year on the subjects completed during that half-year.

All students, unless excused by the Dean, must present themselves for examination in all the subjects for which they are registered at the examination held therein, and, in case of excuse from any examination, must take the next examination offered in such subject. **A student permitted to take a deferred examination must pay a fee of five dollars as for a deficiency examination.**

No student will be admitted to the second-year class who is deficient in more than four hours of the work of the first year. No student will be admitted to the third-year class who is deficient in any subject of the first year, or in more than one full course, or in more than two half-year courses of the second year.

No student failing in any subject will be permitted to take a second examination therein without having again taken the course in which such failure occurred, nor will any student failing a second time in any subject be allowed to continue in the Law School except by special vote of the Law Faculty.

No special examinations are given.

TUITION AND FEES

The tuition for all students of whatever status (regular, special or partial) shall be fifteen dollars a semester. This is in addition to the annual registration fee of ten dollars and the annual student body fee of eight dollars. All fees are payable in advance. Students permitted to register late are required to pay the full charge for tuition for the half-year in which they register, and in addition the fines levied in such cases by the College of Arts and Sciences.

For any deficiency examination or deferred examination a fee of five dollars for each course in which such examination is granted shall be charged, payable in each case before the examination is held.

There shall be a graduation or diploma fee of ten dollars payable to the Treasurer of the University at least twenty-five days prior to the date of graduation.

COURSES OF INSTRUCTION

The Courses of Instruction are arranged to present, as far as possible, the fundamental topics of the law during the first year, and the more specialized subjects during the second and third years.

The curriculum extends through three years, and to secure a degree the student must complete seventy-five hours of work. No student may take more than fifteen hours in any semester; and without special permission of the Dean no student may take less than twelve hours. The work of the first year in the Law School is prescribed.

The following is a statement of the work offered in the Law School:

FIRST YEAR

1. **Contracts.** Formation of simple contracts; mutual assent; consideration; formation of contracts under seal; delivery; consideration. Parties affected by contracts; contracts for the benefit of third persons; assignment of contracts; joint obligations. The Statute of Frauds; contracts within the Stat-

ute; guarantees, agreements in consideration of marriage, agreements not to be performed within a year, contracts for the sale of goods; satisfaction of the Statute Performance of contracts: express conditions, conditions precedent and subsequent; implied conditions and effect of plaintiff's failure to perform his promise; impossibility. Illegal contracts: contracts in restraint of trade; wagers and gaming contracts; contracts obstructing the administration of justice; contracts tending to corruption. Discharge of contracts: parol agreement to discharge; novation; release; accord and satisfaction; arbitration and award; surrender and cancellation; alteration; merger. Williston, *Cases on Contracts* (two vols.). Professor Hope. *Three hours, both semesters.*

2. Criminal Law and Procedure. Nature of crime; sources of criminal law; mental element in crime; intent and motive; parties in crime; crime as an act; attempts; specific crimes; crimes against the person; crimes against the dwelling house; felonious intent; jurisdiction. Beale, *Cases on Criminal Law* (2d ed.). Professor Merritt. *Three hours, second semester.*

3. Torts. Trespass to person, to real property, and to personal property; excuse for trespass; conversion; legal cause; negligence; contributory and imputed negligence; plaintiff's illegal conduct as a defense; duties of land owners; hazardous occupations; liability for animals; deceit; defamation, slander, libel, privilege, malice; malicious prosecution, criminal and civil; interference with social and business relations, including breaches of duty, fair and unfair competition, strikes, boycotts, business combinations. Bohlen, *Cases on Torts*. Professor Reeder. *Three hours, both semesters.*

4. Property 1. Distinction between real and personal property; acquisition of rights in personal property; gifts; bailments; liens; pledges. Real property; tenures; estates; seisin and conveyance; incidents of ownership in real property; fixtures; easements; covenants as to use; public rights; franchises; rents. Gray, *Cases on Property*, vols. 1, 2 (2d ed.). Professor Merritt. *Three hours, both semesters.*

5. **Common Law Pleading.** This course consists of a general survey of the principles of common law pleading with special emphasis upon the demurrer, confession and avoidance, and the traverse, followed by a special study of the more common forms of actions, including the necessary obligations therein, and the methods of pleading defenses. Whittier, *Cases on Common Law Pleading*. Professor Merritt.

Three hours, first semester.

6. **Agency.** Nature of relation; appointment; liability of principal for agent's torts, contracts, crimes; liabilities of agent; parties to writings; undisclosed principal doctrines; delegation of agency, termination; ratification. Huffcut, *Cases on the Law of Agency* (2d ed.). Professor Reeder.

Three hours, first semester.

SECOND YEAR

7. **Equity 1—Contracts and Torts.** The origin, development, maxims, principles and doctrines of equity; relation between equitable rights and powers and legal rights and powers; jurisdiction, procedure and remedies of courts of equity; the equitable relations and remedies involved in obligations *ex contractu* and obligations *ex delicto* considered with respect to their interplay with the corresponding legal relations and remedies; specific performance of contracts, with emphasis on the special trust relations arising under executory contracts between vendors and purchasers of realty; specific prevention and reparation of torts; prohibitory and mandatory injunctions for such torts as waste, trespass, nuisance, infringement of patents and copyrights, interferences with business relations, violations, violation of rights of privacy. Ames, *Cases in Equity Jurisdiction*, vol. 1. Professor Merritt.

Three hours, first semester.

8. **Equity 2—Trusts.** Nature and requisites of a trust; express, resulting, and constructive trusts; charitable trusts; appointment and office of trustee; nature of cestui's interest; transfer of trust property by trustee or by cestui; cestui's

interest as affected by death, marriage, or bankruptcy of trustee or cestui; duties of trustee; extinguishment of trust; removal or resignation of trustee; accounting. Ames, Cases on Trusts (2d ed.). Professor Reeder. (Not given 1916-1917.)

9. **Evidence.** Respective functions of judge and jury; "law and fact"; presumptions; burden of proof; judicial notice; classification of evidence; relevancy as primary test of admissibility; principles and rules relating to the following: misleading or unimportant matters, character, admissions, confession, hearsay, witnesses' opinion and expert testimony, real evidence, evidence relating to execution, contents and interpretation of writing; various rules of substantive law stated in terms of "parol evidence rule"; competency of witnesses; privilege of witnesses; examination of witnesses. Wigmore, Select Cases on Evidence (2d ed.). Professor Hope.

Two hours, both semesters.

10. **Sales of Personal Property.** Subject matter of sale; executory and executed sales; bills of lading and jus disponendi; seller's lien and right of stoppage in transitu; fraud; factors' acts; warranty and remedies for breach of warranty; statute of frauds. Woodward, Cases on Sales. Professor Hope.

Three hours, second semester.

11. **Public Service and Carriers.** Brief survey of bailments in general. Common law duties and liabilities of those who are engaged in public service, statutory regulation of services and charges and the validity of such regulations. Common carriers of goods and passengers at common law and under federal and state legislation. Burdick, Cases on Public Service; McClain, Cases on Carriers (3d ed.). Professor Reeder.

Four hours, first semester.

12. **Persons and Domestic Relations.** Marriage: consent and capacity; marriage as a contract or relation; rights and duties; rights in property; contracts, conveyances, quasi-contractual obligations; wife's estates; ante-nuptial and post-nuptial settlements; separation and divorce. Parent and child: legitimacy, adoption, custody, support, earnings of child; liability for child's torts. Guardian and ward: selection and

appointment of guardians; jurisdiction to appoint; rights, duties and liabilities of guardian; maintenance of ward; domicile; care of property and investments; guardians' bonds. Infants: period of infancy; privileges and disabilities; contracts; liabilities for necessities; ratification and disaffirmance of contracts. Persons non compos mentis, and aliens. Master and servant: creation and termination of the relation; remedies for breach of contract; rights and duties inter se; master's liability for injuries to servant; negligence and assumption of risk. Kales, Cases on Persons, and Vernier, Cases on Marriage and Divorce. Professor Reeder.

Two hours, first semester.

13. Bills and Notes. This course deals with negotiable paper of all types. The law of checks, bills of exchange and notes is taken up, with a detailed discussion of: formal requisites; acceptance; indorsement; transfer; extinguishment; obligation of parties; diligence; specialty character; the effect of the negotiable instruments law. Case-book to be announced. Professor Reeder.

Three hours, second semester.

14. Property 2. This course continues the subject as concluded by Property 1 by which it must be preceded, and includes during the first semester a detailed study of title to land, especially in relation to possession and the subject of landlord and tenant. The following topics are considered: Nature and importance of legal possession; remedies to recover legal possession wrongfully withheld; effect of statutes of limitations; tacking of successive periods of adverse possession; "constructive" adverse possession under color of title; intent as element of title to legal possession; possession through occupation of a servant or agent; possession through occupation of a tenant; relationship of landlord and tenant compared with rights and liberties of persons in various other relations; possession through a co-tenant's occupation; exceptions and interruptions to running of statutes of limitations. Creation of relationship of landlord and tenant; duration of tenant's interest; eviction and its effects; remedies of landlord for non-performance of tenant's obligations; rem-

edies of tenant against landlord; covenants running with the land between landlord and tenant; rights, liberties, and duties of landlord with respect to third persons; rights, liberties, and duties of tenant with respect to third persons. During the second semester the course covers the acquisition of property on the death of the former owner, including consideration of gifts causa mortis, wills, probate, and administration. Gray, Cases on Property, vols. 3, 4 (2d ed.). Professor Merritt.

Two hours, both semesters.

15. **Damages.** Respective functions of court and jury in estimating damages; exemplary, liquidated, nominal, direct, and consequential damages; avoidable consequences; counsel fees; certainty, compensation, damages for non-pecuniary injuries; value; interest; and damages in certain actions of tort and contract. Beale, Cases on Damages. Professor Merritt. (Not given 1916-1917.)

16. **Insurance.** A general survey of insurance law, life, accident, fire and marine insurance, with respect to: insurable interest; concealment; misrepresentation; warranties; other causes of invalidity of contract; amount of recovery; subrogation; conditions; waiver, estoppel, election, and powers of agents; assignees and beneficiaries. Under marine and fire insurance will be included a thorough consideration of the doctrine of general average, and the standard fire policy generally adopted in the United States. Wambaugh, Cases on Insurance. (Omitted 1916-1917.)

17. **Bankruptcy and Insolvency.** This course aims to give a complete exposition of the rights of creditors against insolvent debtors, and the means that may be resorted to in order to make those rights effective, and includes a consideration of insolvent assignments and conveyances in fraud of creditors as well as the study of the National Bankrupt Act of 1898 and its predecessors. Williston, Cases on Bankruptcy. Professor Merritt.

Two hours, first semester.

18. **Code Pleading.** Actions and special proceedings; the complaint, including necessary allegations, method of statement, and prayer for relief; answers, including general and

special denials, new matter, equitable defenses, counter-claims, and union of defenses; replies; demurrer. Course 5 is a prerequisite. Sunderland, Cases on Code Pleading. Professor Hope.

Three hours, first semester.

THIRD YEAR

19. **Conflict of Laws.** Within the limits of the subject, a comparison is made of theories and practice in different jurisdictions, both in civil matters and in criminal; and attention is given to the special aspects of interstate law in the United States. Lorenzen, Cases on the Conflict of Laws. Professor Hope.

Two hours, first semester.

20. **Constitutional Law (Political Science 4).** Written and unwritten constitutions; the adoption and amendment of constitutions; the relations between the federal and state governments; the legislature, executive and judiciary; the states and territories; the individual and the government. Boyd, Cases on Constitutional Law, and selected cases. Professor Barnett.

Three hours, first semester.

21. **International Law (Political Science 5).** The nature and sources of international law; the history of international law; the subjects of international law; the law of peace, the law of war and the law of neutrality. Lawrence, Principles of International Law; and Scott, Cases on International Law. Professor Barnett.

Three hours, second semester.

22. **Law of Officers (Political Science 6).** The nature of public office; the formation and termination of the official relation; compensation of officers; exercise of official authority; liability of government for acts of officers; extraordinary legal remedies. Goodnow, Cases on the Law of Officers, and selected cases. Professor Barnett.

Three hours, first semester.

23. **Corporations, Municipal (Political Science 7).** The nature, constitution, powers and liabilities of public corporations. Beale, Cases on Municipal Corporations. Professor Barnett.

Three hours, second semester.

24. **Corporations, Private.** A general survey of the nature, powers, and obligations of private corporations, with a consideration of the rights and duties of promoters, officers, directors and stockholders, and of the rights of creditors and others against the corporation. The manner of creating and dissolving corporations, the nature of corporate stock, the effect of ultra vires acts, the power of corporations to purchase shares of stock or to consolidate with other corporations, and the power of Congress and of the Legislature to regulate and control the acts of corporations are among the topics treated. Canfield and Wormser, *Cases on Corporations*. Professor Reeder. *Fours hours, second semester.*

25. **Partnership.** Nature of a partnership, its purpose, and members; creation of partnership; nature of partner's interest; firm name and good-will; mutual rights and duties of partners; actions between partners, at law and in equity; powers of partners; liability for acts of partners in contract and tort; general liability of partners; dissolution and notice; consequence of dissolution; dissolution agreements respecting debts; distribution of assets to creditors and between partners; limited partnership. Ames, *Cases on Partnership*. (Not given 1916-1917.) Profesor Hope.

26. **Property 3.** This course must be preceded by Property 1 and Equity 1. During the first semester conditional and future interests are dealt with, including reversions and remainders, executory devises, powers and the rule against perpetuities. During the second semester illegal conditions and restraints on alienation, etc., are taken up. Gray, *Cases on Property*, vols. 5, 6 (2d ed.). (Not given in 1916-1917.) Professor Merritt.

27. **Equity 3—Interpleader, Bills of Peace, etc.** Special equitable remedies, including: interpleader; bills of peace and *quia timet*; cancellation of contract; clouds on title; perpetuation of testimony; rights of future enjoyment; reformation and rescission of contract for mistake. Ames, *Cases on Equity Jurisdiction*, vol 2. (Not given 1916-1917.) Professor Merritt.

28. **Quasi-Contracts.** Under the head of quasi or constructive contracts is embraced all that very large class of obligations which, while not contractual in fact, are enforced as if they were so. They constitute largely that great mass of obligations for the enforcement of which the action of assumpsit was devised. The course includes such topics as the payment of money by mistake, duress, or fraud, and the waiver of tort. Woodruff, Cases on Quasi-Contracts. Professor Hope.

Two hours, second semester.

29. **Suretyship.** Nature of the contract of suretyship; surety's defenses against the creditor, based upon absence, extinguishment, or suspension of the liability of the principal debtor, or upon principal debtor's right of set-off or counterclaim against the creditor; surrender or loss of securities by creditor; variation of surety's risk; surety's rights; subrogation to the rights of the creditor; indemnity; contribution; exoneration; creditor's rights to surety's securities. Ames, Cases on Suretyship. (Not given in 1916-1917.) Professor Hope.

30. **Mortgages.** All forms of mortgage security, both real and chattel; essential elements of legal and equitable mortgages; legal and equitable rights, powers and remedies of mortgagor and mortgagee with respect to title, possession, rents and profits, waste, collateral agreements, foreclosure, redemption; priorities; marshalling; extension of mortgages; assignment of mortgages; discharge of mortgages. Case-book to be announced. Professor Merritt.

Two hours, second semester.

31. **Oregon Practice.** Organization and jurisdiction of courts; court records and files; proceedings prior to judgment, including: service and return of summons and motions relating thereto, appearances, provisional remedies, such as attachment, arrest, etc., *lis pendens*, the trial, exceptions and findings, verdict; the judgment, its entry and satisfaction; proceedings subsequent to judgment, including: stay of execution, costs, execution, motion for new trial, appellate proceedings; probate and administration proceedings; special proceedings,

including writs of certiorari, mandamus, and prohibition; introduction to jurisdiction and procedure of federal courts. Prerequisite: course 18. (Open to third year students.) Lord's Oregon Laws; also selected Oregon cases. (Course to be arranged for later.) Mr. ———

Two hours, both semesters.

32. Moot Court. Argument of cases on submitted statements of facts; briefs; preparation of opinions.

One hour, each semester.

For the next academic year of 1916-17 the graduates of the night Law School in Portland who were registered before the night school was abolished, will continue to be granted degrees in law by the University.

THE END OF THE WORLD